

**REMARKS**

After entry of this response, Claims 1-40 are pending. Claims 1, 11-14, 18, 20, 23, 24, and 31-33 are currently amended. Claim 40 has been added, and no claims have been cancelled.

Concurrently with this submission, the Applicant is providing payment for examination of an additional independent claim. The Applicant believes that no other fees are required, however if additional payment is needed, Applicant will pay any required fees after being notified at the correspondence address or the telephone number listed below.

The present amendment and remarks are in response to a non-final office action dated July 20, 2006, which followed the Applicant's submission of an RCE on June 7, 2006.

The Applicant submits the following statements regarding the substance of an Examiner/Applicant interview held telephonically on September 5, 2006 (see also the Interview Summary by the Examiner). The telephonic interview was held among the Examiner Regina Liang, the Applicant David W. Burns, and Debra B. Burns. Before the interview, the Examiner received a preliminary draft of amended independent claims and remarks for consideration. The Examiner and the Applicant discussed claims 1, 11 and a preliminary version of newly proposed claim 40 in light of Fig. 8 of a new reference, Omura et al (U.S. Patent No. 6,594,023). While the discussion was good and helpful, the Examiner disagreed with the Applicant's arguments and no agreement with respect to the claims was reached. The Examiner indicated that even though the arguments presented by the Applicant were not persuasive, the application appeared to contain patentable material. In light of the conversation, the remarks have been modified and are presented below.

The Applicant continues to assert that "a 'single' telemetric imager" in the previously amended claims and "a telemetric imager" in the original claims are not substantively different, yet to satisfy the concerns of the Examiner and to place the claims in condition for allowance, clarifying amendments to the claims have been made.

**1. *Claim Rejections – 35 U.S.C. § 102(b)***

Claims 1, 2, 4, 6, 16, 18, 20, 21, 29, 30, 31, 38, and 39 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Omura et al (U.S. Patent No. 6,594,023, hereinafter Omura), and it is asserted that the present invention by Burns was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States. After reading the cited references and thoroughly reviewing the Examiner's comments, the Applicant respectfully disagrees with the Examiner's conclusions.

The 35 U.S.C. § 102(b) rejection of Claim 1 and others is not believed to be appropriate by the Applicant, since Omura fails to claim, describe, suggest or anticipate determining "the stylus position based on a generated image of a stylus tip from a first direction and a generated image of the stylus tip from a second direction when the stylus tip is in a stylus entry region" as in Burns. In particular, it is drawn to the Examiner's attention that Fig. 8 of Omura has "coordinate inputting unit 65 ... formed in a pen-like shape and has the infrared rays LED 64 at a tip end thereof so as to irradiate infrared rays from the infrared LED 64 upward" (Omura col. 14, lines 55-58). Omura therefore presents and describes an active stylus that at least has an LED and a source of power. One of the significant differences that exists between Omura and Burns is that the invention of Burns can use a pen, a pencil or even a human finger as the stylus having no LED or electronic source of power, and still determine the stylus position (see Claim 2 of Burns). The Applicant believes that for at least the above reasons, Omura does not read on the claims of Burns. If the Examiner still asserts that Omura does and gives a 102(b) rejection to Claims 1, 20 and 31, the Applicant requests that the Examiner give a specific location in Omura that reads on the claims of 1, 20 and 31.

In order to address the objections of the Examiner and to further differentiate the invention of Burns from that of Omura and other commercially available pens that require an active stylus, Claims 1, 20 and 31 are currently amended to have a light source positioned near the telemetric imager to illuminate the stylus tip. Several operational modes of Burns use a light source positioned near the telemetric imager (e.g. Claims 14, 24 and 33). The Applicant believes that the amendments to the claims have overcome the

Examiner's rejections of Claims 1, 20 and 31, as well as the 102(b) rejections of Claims 2, 4, 6, 16, 18, 21, 29, 30, 38 and 39 that depend thereon for at least these reasons.

**2. *Claim Rejections – 35 U.S.C. § 103(a)***

Claims 3, 8-10, 28 and 37 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Omura in view of Tsuji (US 2001/0020936). The combined teachings of the cited references do not suggest that the present invention is obvious, in that none of the references, singly or in combination, suggest or teach a system for determining a stylus position comprising a single telemetric imager having an optical imaging array and a light source positioned near the telemetric imager to illuminate a stylus tip as put forth in amended Claims 1, 20 and 31. Therefore, each of the rejected claims, for at least these reasons, should be allowable and withdrawal of the rejections to these claims is respectfully requested.

Claims 5, 25 and 34 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Omura in view of Brown (U.S. Patent No. 4,430,526). The combined teachings of the cited references do not suggest that the present invention is obvious, in that none of the references, singly or in combination, suggest or teach a system for determining a stylus position comprising a single telemetric imager having an optical imaging array and a light source positioned near the telemetric imager to illuminate a stylus tip as put forth in amended Claims 1, 20 and 31. Therefore, each of the rejected claims, for at least these reasons, should be allowable and withdrawal of the rejections to these claims is respectfully requested.

Claims 7 and 22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Omura in view of Inabata (U.S. Patent No. 5,245,175). The combined teachings of the cited references do not suggest that the present invention is obvious, in that none of the references, singly or in combination, suggest or teach a system for determining a stylus position comprising a single telemetric imager having an optical imaging array and a light source positioned near the telemetric imager to illuminate a stylus tip as put forth in amended Claims 1, 20 and 31. Therefore, each of the rejected claims, for at least these reasons, should be allowable and withdrawal of the rejections to these claims is respectfully requested.

Claims 11-13, 15, 23, 26, 27, 32, 35 and 36 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Omura in view of Ogawa (U.S. Patent No. 6,100,538). The combined teachings of the cited references do not suggest that the present invention is obvious, in that none of the references, singly or in combination, suggest or teach a system for determining a stylus position comprising a single telemetric imager having an optical imaging array and a light source positioned near the telemetric imager to illuminate a stylus tip as put forth in amended Claims 1, 20 and 31. Therefore, each of the rejected claims, for at least these reasons, should be allowable and withdrawal of the rejections to these claims is respectfully requested.

Claim 17 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Omura in view of McDermott et al. (U.S. Patent No. 5,635,683). The combined teachings of the cited references do not suggest that the present invention is obvious, in that none of the references, singly or in combination, suggest or teach a system for determining a stylus position comprising a single telemetric imager having an optical imaging array and a light source positioned near the telemetric imager to illuminate a stylus tip as put forth in amended Claims 1, 20 and 31. Therefore, the rejected claim, for at least these reasons, should be allowable and withdrawal of the rejection to this claim is respectfully requested.

Claim 19 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Omura in view of Yoshida et al. (U.S. Patent No. 5,401,917). The combined teachings of the cited references do not suggest that the present invention is obvious, in that none of the references, singly or in combination, suggest or teach a system for determining a stylus position comprising a single telemetric imager having an optical imaging array and a light source positioned near the telemetric imager to illuminate a stylus tip as put forth in amended Claims 1, 20 and 31. Therefore, the rejected claim, for at least these reasons, should be allowable and withdrawal of the rejection to this claim is respectfully requested.

Claims 14, 24 and 33 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Omura in view of Ogawa (U.S. Patent No. 6,100,538) and Badyahl et al. (U.S. Patent No. 6,141,015). The combined teachings of the cited references do not suggest that the present invention is obvious, in that none of the references, singly or in

combination, suggest or teach a system for determining a stylus position comprising a single telemetric imager having an optical imaging array and a light source positioned near the telemetric imager to illuminate a stylus tip as put forth in amended Claims 1, 20 and 31. Therefore, each of the rejected claims, for at least these reasons, should be allowable and withdrawal of the rejections to these claims is respectfully requested.

### **3. *New Independent Claim***

Claim 40 has been added and examination is requested thereof.

Claim 40 is similar to previously amended Claim 1 with: 1) an added claim element of a light source positioned near the telemetric imager to illuminate a stylus tip and 2) the single telemetric imager modified to have a single imaging array. Note that these clauses are extracted from original Claim 7 and original Claim 11. Claim 40 is therefore a combination of Claim 1 and Claim 7 and Claim 11. The Applicant believes that three references or more would be needed to support an obviousness rejection on this proposed claim. In part due to the relatively crowded art of computer input devices, the requirement to combine three citations actually supports the position that the invention of Burns was not obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains, since those knowledgeable (that is, all citations by the Examiner) have not patented, described or suggested the claimed invention by Burns.

Allowance of Claim 40 is respectfully requested. The Applicant also requests an indication from the Examiner that dependent claims currently associated with Claims 1, 20 and 31 could be allowed, providing that Claims 1, 20 and 31 are modified in a like manner as Claim 40.

**4. Summary**

For the above set forth reasons, the Applicant respectfully submits that all of the claims in the application define over and are neither anticipated nor made obvious by the cited art, and that claims 1-40 herein fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and prompt passage to issue of the current application is respectfully requested. If any questions remain that may be resolved through a personal or telephonic interview, the Examiner is encouraged to contact the undersigned at the telephone number listed below.

The Applicant, whose telephone number is (408) 729-6375, welcomes phone contact with the Examiner to discuss any of the contents of this request before a formal, written action is prepared.

Respectfully submitted,

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